



DEFENSE INTELLIGENCE AGENCY

WASHINGTON, D.C. 20340-5100



U-19-6000/FAC-2A1 (FOIA)

January 31, 2019

Ms. Ramya Krishnan
Knight First Amendment Institute at Columbia University
1140 Amsterdam Ave
206 Kent Hall
New York, NY 10027

Dear Ms. Krishnan:

This is the Defense Intelligence Agency's (DIA) second interim response regarding your Freedom of Information Act litigation in the United States District Court for the District of Columbia, civil action number 18-cv-01129. This case encompasses your request for records pertaining to (1) NDAs imposing prepublication review obligations; (2) administrative appeals on prepub determinations; (3) sanctions for failure to comply with prepub review obligations.

A search of DIA's systems of records located 150 records responsive to the request. This response addresses five documents that were located in that search.

Upon review, I have determined that all substantive portions of two documents must be withheld in full from disclosure pursuant to the FOIA. The withheld portions are exempt from release pursuant to Exemptions 3 and 5 of the FOIA, 5 U.S.C. § 552 (b)(3) and (b)(5). Exemption 3 applies to information specifically exempted by a statute establishing particular criteria for withholding. The applicable statute is 10 U.S.C. § 424. Statute 10 U.S.C. § 424 protects the identity of DIA employees, the organizational structure of the agency, and any function of DIA. Exemption 5 applies to information that falls within one of the civil discovery privileges. In this instance, DIA has asserted the deliberative process privilege and attorney client privilege.

Further, I have determined the remaining three documents are duplicates of records already processed in this case.

DIA has not withheld any reasonably segregable non-exempt portions of any records.

You can expect the third interim response to your FOIA request in February 2019.

Sincerely,

A handwritten signature in blue ink, appearing to read "Brian L. Jenkins for". The signature is fluid and cursive, with the last name "Jenkins" being the most prominent part.

Brian L. Jenkins
Chief, Records Management and Information
Services